

REMARKS

Claims 1, 3, 4, 6-25, 27-32 and 34-42 are currently pending in the present application. Claims 38-42 are allowed, Claim 11 is rejected, and Claims 1, 3, 4, 6-10, 12, 13, 25, 27-32 and 37 are objected to.

The Applicant notes that all amendments, cancellations, and additions of claims presented herein are made without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG),¹ and without waiving the right to prosecute the cancelled claims (or similar claims) in the future.

In the Final Office Action dated 12/28/04, the Examiner objected to Claims 1, 11-13, 25 and 37 because they "lack the article --a-- in front of the term "nucleic acid"." (Office Action, pg. 3). The Applicant has amended the claims to include the requested article. As such, the Applicant respectfully requests that the objection be withdrawn.

The Examiner has further objected to Claim 29 as being a substantial duplicate of Claim 27 (Office Action, pg. 3). The Applicant respectfully disagrees. However, in order to further the business interests of the Applicant and while reserving the right to prosecute the original (or similar) claims in the future, the Applicant has canceled Claim 29. As such, the objection is moot.

The Examiner has rejected Claim 11 under 35 U.S.C. 112, first paragraph, as allegedly lacking enablement for the "the same reasons already set forth in the previous Office Action" (Office Action, pg. 3). The Applicant respectfully disagrees and submits that the claim is enabled as currently written. However, in order to further the business interests of the Applicant and while reserving the right to prosecute the original (or similar) claims in the future, the Applicant has amended Claim 11 to include the element of the cell to be transfected being a eukaryotic cell. As the Examiner has admitted that such claims are enabled (See Office Action mailed 7/2/04), the Applicant respectfully requests that the rejection be withdrawn.

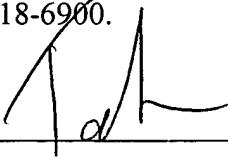
¹ 65 Fed. Reg. 54603 (Sept., 8, 2000).

CONCLUSION

If a telephone interview would aid in the prosecution of this application, the Examiner is encouraged to call the undersigned collect at (618) 218-6900.

Dated:

2/16/05



Tanya A. Arenson
Registration No. 47,391

MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105
(608) 218-6900